



George G. Lingenfelter
11 Concord Street
Wilmington, MA 01887
July 10, 2003
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Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, MA 20423

**RE: New England Transrail, LLC
Notice of Exemption Seeking to Establish a
Class III Rail Carrier and Construction of a Bulk Re-load Center
At 51 Eames Street, Wilmington, MA 01887**

To Whom It may Concern:

I have prepared this letter to indicate my strong opposition to the application of exemption for the establishment of the above referenced Class III rail carrier and construction of a bulk re-load center proposed for the property located at 51 Eames Street, Wilmington, Massachusetts.

The property which has been proposed as the location of the bulk re-load center is currently owned by Olin Chemical Corporation (Olin). The Olin property is listed with the Massachusetts Department of Environmental Protection (DEP) as a Tier 1A contaminated site; receiving the worst possible site classification in accordance with the Massachusetts Contingency Plan (MCP) at 310 Code of Massachusetts Regulations (CMR) 40.0500 Numerical Ranking System (NRS) scoresheet completed in accordance with 310 CMR 40.1500. Historic use of leaching lagoons and other industrial activity at the Olin property have resulted in significant on-site contamination to soil and groundwater which has subsequently migrated off-site and has now contaminated the surface waters of the Aberjona River located south and east of the Olin property and groundwater within the Maple Meadow Brook Aquifer to the northwest and west. A significant portion of the Olin property itself is located within a DEP approved Zone II area of contribution to a municipal drinking water supply well and the Maple Meadow Brook Aquifer which is listed with DEP as a Medium Yield Aquifer. My review of available documentation for the proposed property indicates that Olin has inappropriately eliminated contaminants of concern (COC) in the analyses presented in their supporting documentation (i.e. the Environmental Site Assessment) included with the application of exemption and therefore not all COCs associated with the DEP listed site have been addressed in their remediation alternative considerations.

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The Olin property currently poses a significant threat to public health, safety and environment. As documented by the results of laboratory analysis conducted on groundwater samples submitted to DEP, a known human carcinogen, n-Nitrosodimethylamine (NDMA) has been released to the environment at the Olin property which is responsible for closing five (5) of the town of Wilmington's nine (9) municipal drinking water supply wells. All five (5) wells which have been shut down are located in the Maple Meadow Brook Aquifer and account for approximately 60% of Wilmington's water supply. It is currently unknown how long Wilmington residents have been exposed to and have been consuming this carcinogen. The subject site property remains out of compliance with Massachusetts General Laws (M.G.L.) Chapter (c.) 21E and/or the MCP 310 CMR 40.0000 relative to the continued presence of on-site contamination to soil and groundwater at measured concentrations above applicable MCP Method 1 S-1/GW-1 Soil Standards and MCP Method 1 GW-1 Groundwater Standards which includes the recently detected measured concentrations of NDMA in groundwater at municipal drinking water supply wells.

Additionally, the federal health agency, Agency for Toxic Substances and Disease Registry (ATSDR) has initiated a water distribution study to determine the extent of exposure to the public. The Massachusetts Department of Public Health-Bureau of Environmental Health Assessment has determined a greater than 2-times the average occurrence of four (4) types of cancers in children who reside within the town of Wilmington. The states top epidemiologist will analyze data to determine an environmental common exposure route.

It is apparent to both residents involved in the Public Involvement Plan (PIP) and the Town of Wilmington's environmental consultant (recently retain to review and comment on the previous and ongoing environmental assessment and remedial actions being conducted at the proposed property) that Olin needs to resubmit an updated Phase II Comprehensive Site Assessment (CSA) Report to account for the discovery of NDMA in the groundwater which has been responsible for shutting down the municipal supply wells. Olin must also complete a new Phase III Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives and Remedial Action Plan (Phase III) Report, before proceeding with remediation design and redevelopment of the property. Therefore, in my opinion the Notice of Exemption is premature, as the final remedial plan for the property has not been developed or approved by DEP. The Town of Wilmington's environmental consultant has recommended a complete revision of Olin's Phase II CSA and Phase III Reports which do not address the recent discovery of NDMA and Olin has not considered these significant changes in site conditions which have resulted from the shut down of the municipal drinking water supply wells.

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One of the remedial actions taken to date at the Olin property has included the construction of a slurry wall around a known area of significant soil contamination. The surface of this area of contaminated soil is currently covered by an older 2-ply polyethylene cover which was observed to have degraded as a result of exposure to the elements and a newer overlying 3-ply polyethylene cover. It is my understanding that the polyethylene covers have been installed to prevent infiltration of surface water, resulting from precipitation, to leach through the contaminated soil. In my opinion and as previously stated, the Notice of Exemption is premature since the on-site contamination does not appear to have been completely evaluated. Construction of numerous rail sidings through the property may exacerbate site conditions resulting in further negative impacts to the surface and groundwaters of the immediate vicinity of the Olin property.

Although remedial actions have been/are being conducted under an Immediate Response Action and/or a Release Abatement Measure (RAM) Plan, in my opinion Comprehensive Response Actions will also be necessary for the Olin property in accordance with 310 CMR 40.0870, Phase IV Implementation of the Selected Remedial Action Alternatives and Olin will also likely be required to conduct Phase V Operation, Maintenance, and/or Monitoring in accordance with 310 CMR 40.0890.

The proposal indicates that the property under consideration is in an industrial area solely without considering the abutting neighborhoods in North Woburn, South Wilmington or those residents who actually reside on Eames Street. Area residents have had to be evacuated from their homes in the past from releases occurring at the Olin owned facility and/or property.

The proposal also states that the proponent will profit by the transportation of commodities listing, **aggregates, brick, coal, cement, chemical products, construction debris, contaminated soils, liquids, propane, road salt and other products**. The proposal also references **hazardous materials** about which the proponent states "they are not expected" to be transported. There is no statement in the proposal that **hazardous materials** will not be transported. If an exemption is granted, at a minimum it should be conditioned that **hazardous materials handling and transportation** will be completely prohibited based on the current significant environmental conditions at the property. I believed that these commodities could add nothing but further insult to the residents of Woburn and Wilmington who reside near the Olin property.

The proponent states that their proposal meets the site plan approval requirements as was obtained by Olin in 2000. However, this site plan was approved for a warehouse applicant who would warehouse and distribute beer and wine. The current proposal is dramatically different.

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In conclusion, the quality of life for residents in Wilmington and Woburn is already negatively impacted by the Olin property which is located within one-half mile of the Woburn Landfill, the Maple Meadow Landfill, the Industrial Plex Superfund Site and six (6) other significantly contaminated industrial properties on record with DEP as listed sites under 21E and the MCP. The area in question is an area which has been previously impacted by significant volumes of industrial pollution, which may have additional as yet unknown significant negative impacts to public health, safety and the environment. The proposed rail re-load center brings with it odors, noise, unwanted and certainly added heavy truck traffic to an already overburdened area, and most importantly an additional worry to further potential exposure to **hazardous and contaminated materials** from accidents and other mishaps with a potential of further contamination of an already compromised property.

The USEPA defines Environmental Justice as the “fair treatment for people of all races, cultures, and incomes.” It takes into account the impact of environmental pollution on particular segments of our society. In my opinion, the residents of the Town of Wilmington have had more than their fair share of environmental injustices to date and I respectfully request that you do not allow these injustices to continue by granting the Exemption.

Very truly yours,

A handwritten signature in cursive script that reads "George G. Lingenfelter".

George G. Lingenfelter, P.G.
Hydrogeologist